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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,510	04/12/2001	Sachiko Nishiura	14460	2988
23389	7590	09/08/2004	EXAMINER	
SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA GARDEN CITY, NY 11530			CHANG, SUNRAY	
			ART UNIT	PAPER NUMBER
			2121	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/833,510

Applicant(s)

NISHIURA, SACHIKO

Examiner

Sunray Chang

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 041201 and 021502.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 – 9 are presented for examination.

Claims 1 – 9 are rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1 – 9 are rejected** under 35 U.S.C. 102(e) as being anticipated by Naomichi Nonaka (U.S. Patent No.6,519,243 and referred to as Nonaka hereinafter).

3. **Regarding independent claim 1**, Nonaka teaches,

- A receiving system for acquiring broadcast data through an Internet [performing unidirectional packet communications utilizing unidirectional paths and an Internet network, Col. 3, Line 54 – 55].
- Broadcast reception means for receiving broadcast data [IRD, Fig. 1 and Col. 3, Line 61].
- Internet access means for accessing Internet [RGW, Fig. 1 and Col. 3, Line 61].

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- Monitoring means [RGW, Col. 6, Line 61] for monitoring [detected, Col. 6, Line 61] conditions of receiving [interruption, Col. 6, Line 60].
- Control means for switching off broadcast reception means and switching on Internet access means, when conditions deteriorate [a request is and transmitted to the SGW by way of th Internet network, Col. 6, Line 61 – 62].

4. **Regarding dependent claim 2, 5 and 8,**

- Internet access means acquires only non-received modules by broadcast reception means [an interruption in the satellite data circuit is detected at the RGW, a request is an transmitted to the SGW by way of the internet network, Col. 6, Line 60 – 62].

5. **Regarding dependent claim 3, 6, and 9,**

- Memory means for storing in advance a list of names of modules of broadcast [The IP packet sent here is a destination address “PCa” and is therefore conveyed to PCa, Col. 6, Line 46 – 48];
- Comparison means for comparing names of modules already received by broadcast reception means with list and detecting non-received modules [it is essential to take into account temporary circuit interruptions, when utilizing satellite data circuit, Col. 6, Line 57 – 59];
- Control means switches off broadcast reception means and switches on Internet access means when non-received modules are detected [an interruption in the satellite data circuit is detected at the RGW, a request is and transmitted to the SGW by way of the Internet network, Col. 6, Line 60 – 62].

6. **Regarding dependent claim 4 and 7,**

- A receiving method for acquiring broadcast data through an Internet [performing unidirectional packet communications utilizing unidirectional paths and an Internet network, Col. 3, Line 54 – 55].
- Receiving broadcast data [when the RGW receives the encapsulated IP packet, Col. 6, Line 40 – 41];
- Monitoring conditions of receiving [when an interruption in the satellite data circuit is detected at the RGW, Col. 6, Line 60 – 61];
- Stopping receiving, when conditions of receiving deteriorate; accessing internet; and acquiring through internet the broadcast data which has not received yet [an interruption in the satellite data circuit is detected at the RGW, a request is and transmitted to the SGW by way of the Internet network, Col. 6, Line 60 – 62].

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gerszberg et al. (U.S. Patent No. 6,714,534) discloses a continuous service to subscribers during a wired service interruption. Arsenault (U.S. Patent No. 6,310,661) discloses a broadcasting controlling data streams and a remote receiving apparatus.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunray Chang whose telephone number is 703-305-8744. The examiner can normally be reached on M-F 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (703)308-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-746-3506.

Sunray Chang
Patent Examiner
Group Art Unit 2121
Technology Center 2100
U.S. Patent and Trademark Office



Anthony Knight
Supervisory Patent Examiner
Group 3600

September 4, 2004